



*National Review Online
July 19, 2006*

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Congressman Howard P. "Buck" McKeon

Chairman, House Education & the Workforce Committee

Buried Bacon

The Senate immigration bill has some unhelpful hidden surprises.

By Rep. Howard P. "Buck" McKeon

Having been a representative of southern California for more than a decade, the harsh realities of illegal immigration are new neither to me nor to my constituents. Porous borders and inconsistent enforcement of our illegal immigration laws are first and foremost national security concerns. However, often overlooked is the fact that securing our borders also will pay major dividends for our nation's students and workers — the two groups of greatest interest to the House Education & the Workforce Committee, which is the panel I chair on Capitol Hill. During the next several weeks, our committee will hold a series of hearings — both in Washington and across the country — to gather input from witnesses who will testify on the impact of illegal immigration on our education system and our workforce.

Another purpose of these hearings is to dig more deeply into the border-security proposals offered by both the House and the Senate. For example, today we will

hold a hearing on illegal immigration, guest-worker programs, and the American workforce. The Senate immigration bill, championed by a majority of Democrats led by Senator Ted Kennedy and Minority Leader Harry Reid, includes a major expansion of guest-worker programs. The mere inclusion of a guest-worker expansion has been the cause of substantial discussion, not only in the halls of Congress, but also at kitchen tables nationwide. Some see these programs as a responsible path to citizenship for those who would step out of the shadows and solidify their legal status. Others view them as a slippery slope toward amnesty.

However, it turns out that guest-worker programs aren't the only proposed expansion under the Reid-Kennedy bill. Buried deep within the Reid-Kennedy plan is a troubling provision that would expand to guest-workers prevailing wage rights commonly associated with the Depression era Davis-Bacon Act. Under this controversial 1931 law, a federally-determined prevailing wage must be paid to workers in all federal construction projects. The wisdom behind, and the need for a continuation of, this legal relic often sparks great debate, both on these editorial pages and throughout Congress — particularly in the House Education & the Workforce Committee.

Some view Davis-Bacon as nothing short of a taxpayer rip-off. Others see it simply as a law that served its initial purpose — and has outlived it by about seven decades. When we debate the issue in Congress, however, we usually question if and how we should scale back Davis-Bacon requirements, not expand upon them. That's what makes the Reid-Kennedy prevailing wage provision so startling. It would require employers to pay federally-determined prevailing wages solely to guest construction workers, even if they aren't participating in a federal project. Indeed, it would force some employers — including small businesses — to pay guest-workers more than Americans doing the exact same job in the exact same city. This will have the effect of expanding what was solely a requirement for federal construction programs to apply also to private sector projects.

Few Reid-Kennedy supporters have gone on the record to defend this troubling provision — which is curious, because the prevailing wage language was included in the underlying legislation and was reaffirmed by a Democrat amendment offered while the bill was considered on the Senate floor. Simply put, the supporters of the bill had a chance to remove the provision but didn't. Why not? I expect that's a question that will be asked by members of our panel both today and in future hearings.

As congressional committees examine critical aspects of the illegal immigration debate in field hearings next month, these are the kinds of issues we'll be probing in a serious, deliberative manner. The challenges of illegal immigration are too important to the leave to the law of unintended consequences, and the troubling Reid-Kennedy federal prevailing wage provision is a perfect example of doing just that. What other troubling provisions are in the bill? If Congress is going to get it right on illegal immigration this time around, we're going to have to ask that question continuously. Not only do lawmakers in Washington need some answers, but so do the American employers and employees who are counting on us to act with their best interests in mind.

— Rep. [Howard P. “Buck” McKeon](#) (R., Calif.) is chairman of the U.S. House Committee on Education & the Workforce.

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